

Application # 09/470,566
Submitted May 3, 2004
Reply to Office Action of December 3, 2003

I. REMARKS/ARGUMENTS

6. The Office Action dated December 3, 2003 has been carefully considered.

Reconsideration of this application, in view of the amendments and following remarks, is respectfully requested.

A. References

7. The following U.S. patents were considered in the office action:

- US Patent 5,047,853 ("Hoffert"), filed March 19, 1990.
- US Patent 6,384,862 ("Brusewitz"), filed March 12, 1997.

B. Overview of Office Action

8. The office action:

- a) Required an amendment to include the essential material incorporated by reference. (¶ 1)
- b) Indicated that the oath needed to include a claim of priority to the 09/312,922 application. (¶2-3)
- c) Rejected claims 21-24 under 35 U.S.C. 112 as containing subject matter not described in the specification (¶4) without the proper amendment.
- d) Rejected claims 1-20 as being obvious in light of Hoffert in combination with Brusewitz under 35 U.S.C. 103(a).

C. New Oath Claiming Priority of Application 09/312,922

9. Enclosed with this response is a newly executed oath claim priority from both provisional 60/113,276 and 09/312,922. The amendments to the specification should now be proper (¶2)

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D. Specification Amended to Incorporate Essential Material from Application 09/312,922

10. As substitute specification, showing changes, has been provided. Please amend the specification to incorporate the essential material from 09/312,922 to support the descriptions in the terminology used by claims 21-24. Drawing sheets for Figures 11 through 15 have also been submitted. These figures are from drawings in the 09/312,922 application. The figure numbers and reference numbers have been updated appropriately. These amended specifications and drawings should overcome the 35 USC § 112 objection rejections (¶4).

11. I hereby declare that the amendatory material consists of the same material incorporated by reference. No new matter has been added.

E. Claim Rejections under 35 U.S.C. 112

12. In addition of claims 21-24 (which were originally filed with application 09/312,922 as claims 28-31) should now be proper. The addition of these claims is not being made to overcome any prior art rejections. Please note that these claims were examined in conjunction with an International application PCT/US99/10894 filed on 17 May 1999, and published as W0 99/59472 on 25 November 1999. The International Preliminary Examination Report, dated 17 August 2000, indicated that these claims meet the PCT criteria from novelty and inventive step. Please consider claims 21-24.

F. Claim Rejections under 35 U.S.C. 103

13. The office action rejected claims 1-20 as being obvious in light of Hoffert in combination with Brusewitz under 35 U.S.C. 103(a).

Hoffert Misunderstood

14. The office action misunderstands Hoffert; it does not teach what the examiner relies upon it as supposedly teaching. The office action relies on Fig 2 for teaching

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applicants "selecting a code based on a number of bits from each pixel selected from said pixels". In Hoffert, the two-bit code indicates a type of encoding which is different than the code that represents the illumination intensity (or pixel value) of the pixel. Applicant requests an interview with the examiner to discuss the differences.

II. Reconsideration Requested

15. The undersigned respectfully submits that, in view of the foregoing amendments and remarks, the rejections of the claims raised in the Office Action have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that these claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned inventor at 408-739-9517.

Respectfully submitted,



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Sunnyvale, CA
Date: April 29, 2004

May 3,